

**IN THE DISTRICT COURT OF THE UNITED STATES  
FOR THE MIDDLE DISTRICT OF ALABAMA  
NORTHERN DIVISION**

<b>UNITED STATES OF AMERICA</b>	)	
	)	
v.	)	<b>CASE NO. 2:07cr28-MEF</b>
	)	
<b>CLARENCE EARL BIVINS</b>	)	

**UNOPPOSED MOTION TO RESCHEDULE SUPPRESSION HEARING**

Comes now the United States of America, by and through Leura G. Canary, United States Attorney for the Middle District of Alabama, and moves this Honorable Court to reschedule the suppression hearing in the above styled case for the following reason:

1. On May 14, 2007, the undersigned counsel for the government and defense counsel, William R. Blanchard, appeared before the Court for the pretrial conference hearing on Clarence Earl Bivins. During the pretrial conference, the government and defense counsel concurred with the Court setting the suppression hearing at 10:00 a.m. on Tuesday, May 29, 2007.

2. On May 15, 2007, while preparing the government's response and viewing the video of the stop with Alabama State Trooper Jason Burch, government counsel informed Trooper Burch that the suppression hearing would be scheduled on May 29, 2007, at 10:00 a.m. Trooper Burch has planned and paid for a family vacation out of state and is scheduled to be out of state from May 29 - June 2, 2007.

3. Government counsel has consulted with defense counsel, William R. Blanchard, and the parties propose rescheduling the hearing on Friday, May 25, 2007.

For the foregoing reasons, the government respectfully requests that the suppression hearing be rescheduled to May 25, 2007.

Respectfully submitted this the 15<sup>th</sup> day of May, 2007.

Respectfully submitted,

LEURA G. CANARY  
UNITED STATES ATTORNEY

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**CERTIFICATE OF SERVICE**

I hereby certify that on May 15, 2007 I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

William R. Blanchard, Esq.

Respectfully submitted,

/s/Tommie Brown Hardwick  
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